

CJF/J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC.,

Plaintiff

v.

ALCON LABORATORIES, INC. and ALCON, INC.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 9/3/08

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the parties:

1. Defendants Alcon Laboratories, Inc. and Alcon, Inc. ("Alcon") hereby consent to the filing of the First Amended Complaint, annexed hereto as Exhibit A.
2. Plaintiff Synergetics USA, Inc. shall file the First Amended Complaint no later than August 29, 2008.
3. Alcon shall have until October 13, 2008, to answer, move or otherwise respond to the First Amended Complaint.
4. Alcon's consent to the filing of the First Amended Complaint and entry into this stipulation shall not be considered agreement that the First Amended Complaint has merit.

Dated: New York, New York
August 28, 2008

So ordered.
Yannick Cote
Sept. 3, 2008

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Alcon, Inc.

SO ORDERED:

U.S.D.J.